

REMARKS

Status of Claims

Claims 9, 11-24 are pending in the instant application. Claims 9 and 11-22 stand rejected. Claims 23 and 24 are withdrawn from consideration. Favorable reconsideration is respectfully requested in light of the following remarks.

Amendments to the Claims

Claim 9 has been amended to include the subject matter of claims 18-19, to omit the term “uniformly”, to omit the phrase “and second tubular chamber” in lines 12-13 and to clarify the “means” as “mixing elements”. Claims 18-19 and 23-24 have been canceled herein. Now new matter has been added and Applicants respectfully request that the amendments be entered.

Rejection of Claims 9 and 11-22 under 35 U.S.C. 112

Claims 9 and 11-22 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that in claim 9, the new recitation “a second stage comprising a hydrolyzer chamber and a second tubular chamber” is not supported by the specification as originally filed.

Applicant has amended claim 9 to delete the phrase “and second tubular chamber” in line 11.

The Examiner states that in claim 9, the function “uniformly mixing” in the first chamber is not disclosed in the original specification.

Applicant submits that in the specification on page 8, paragraph 2, it is described at the mixing chamber 22 (in first stage 20) preferably contains mixing elements 39 to aid in mixing the size components as the mixture passes through the mixing chamber. As such, mixing the first stage (20) was disclosed in the original specification. Further, Applicant has deleted the recitation of “uniformly” from claim 9.

The Examiner states that in claim 9, “means...for uniformly mixing” is unclear due to lack of description of a structure corresponding to such a function.

Applicant has amended claim 9 deleting the term "means" and inserting therefore - - mixing elements - -. No new matter has been added and support for the amendment may be found in the specification at page 7, paragraph 3.

Claims 11-22 ultimately depend from newly amended claim 9 and contain the limitations thereof. Accordingly, in view of the above amendments and remarks Applicant respectfully requests that the 112 rejections of claims 9 and 11-22 be withdrawn.

Rejection of Claims under 35 U.S.C. 102(b)

Claims 9, 11, 13, 18 and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Potchen (2,890,868).

Claims 9, 10, 18 and 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (5,482,368).

In the Office Action dated September 17, 2003, the Examiner indicated that claim 19 contained allowable subject matter. To expedite prosecution of the instant application, Applicant has amended claim 9 to contain the limitations of claim 19 and claim 18, from which claim 19 depended. Claims 18-19 have been canceled herein.

Claims 11-17 and 20-22 ultimately depend from newly amended claim 9 and contain the limitations thereof. Accordingly, in view of the above amendments and remarks Applicant respectfully requests that the 102(b) rejections of claims 9 and 11-22 be withdrawn.

Rejection of Claims under 35 U.S.C. 103(a)

Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Potchen (2,890,868).

Claims 12, 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Potchen ('868) in view of Cadeo et al. (4,964,732).

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Potchen ('898) in view of Dearing, Sr. (5,624,182).

As stated above, Applicant has amended claim 9 to contain the limitations of allowable claim 19 and claim 18, from which claim 19 depended. Claims 18-19 have been canceled herein.

Claims 12, 14-17 and 21 ultimately depend from newly amended claim 9 and contain the limitations thereof. Accordingly, in view of the above amendments and remarks Applicant respectfully requests that the 103(a) rejections of claims 12, 14-17 and 21 be withdrawn.

Conclusion

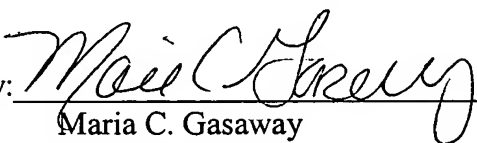
In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 9, 11-17 and 20-22 at an early date is solicited.

The Examiner is invited to telephone the Applicants' undersigned agent at (740) 321-7213 if any unresolved matters remain.

If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicants' agent at the number listed below.

Applicant authorizes any fees required pertaining to this response be charged to Deposit Account No. 50-0568.

Respectfully submitted,

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